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Salt Lake City, UT 84111				
EXAMINER				
WHIPPLE, BRIAN P				
ART UNIT		PAPER NUMBER		
2452				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/634,261

Applicant(s)

BALDIGA ET AL.

Examiner

BRIAN P. WHIPPLE

Art Unit

2452

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-11 and 13-21 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments, see pages 9-10, filed 7/30/10, with respect to the specification, objections to the claims, claim rejections under 35 U.S.C. 112, and 35 U.S.C. 101 rejections (of claims 15-17) have been fully considered and are persuasive. The objection to the specification, objections to the claims, claim rejections under 35 U.S.C. 112, and 35 U.S.C. 101 rejections (of claims 15-17) of have been withdrawn.
3. Applicant's remaining arguments filed 7/30/10 have been fully considered but they are not persuasive.
4. As to the 35 U.S.C. 101 rejections of claims 18-20, the applicant argues claim 18 has been amended to "recite a recordable data storage medium, which is also statutory subject matter because the recordable data storage medium is a physical structure device." The examiner respectfully disagrees. As discussed in the previous Office action, a storage medium alone may be viewed as transitory medium in light of recent PTO guidelines. The applicant is

advised that the recent PTO guidelines suggest amending claims to indicate “non-transitory” media.

5. As to claim 1, the applicant argues Okano fails to teach a request accompanied by correlation data with unique identification information associated with the device. The applicant states the examiner’s conclusion that DHCP communications must be accompanied by the MAC address of the requesting device is incorrect. The applicant concludes that the requesting device is identified by the common IP address 0.0.0.0 and need no further identification information. But the fact that the IP address 0.0.0.0 is common to a plurality of devices provides evidence that further information would be needed to identify an individual device among those linked to a common IP address. Furthermore, Okano explicitly discloses the requesting device being identified by a MAC address, which may be interpreted as correlation data included with the DHCP request ([0015], ln. 4-7, “A packet format of the DHCP message is composed of a MAC header”; [0186]; [0195] – [0196]).

6. Further regarding claim 1, the applicant argues Okano fails to teach critical matter essential to the disclosure. However, this is in reference to the alleged absence of a MAC address, but as discussed in the preceding paragraph, Okano discloses DHCP packets include

a MAC header ([0015], ln. 4-7, "A packet format of the DHCP message is composed of a MAC header").

7. As to claims 2-11 and 13-21, the applicant argues the claims are allowable for reasons similar to claim 1 above or because of a dependency on claim 1. However, the examiner has refuted the alleged allowability of claim 1 and therefore claims 2-11 and 13-21 are not allowable merely due to a relation to claim 1.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

10. As to claim 18, the claimed program product is not adequately described as to eliminate transitory, non-statutory, embodiments. The applicant is advised that recent Office guidelines suggest adding the term "non-transitory" to overcome such rejections.

11. As to claims 19-20, the claims are rejected due to their dependency on, and inclusion of, the rejected subject matter of claim 18 above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1-3, 5-6, 9-11, and 14-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Nazari, U.S. Patent No. 6,842,789 B1, in view of Okano et al. (Okano), U.S. Publication No. 2002/0062485 A1.

14. As to claim 1, Nazari discloses a method for assigning a device identifier to a device (Abstract, ln. 1-4), the method comprising:

receiving a request at a server from the device for the device identifier (Col. 3, ln. 32-38; Col. 5, ln. 48-53);

obtaining the device identifier (Col. 5, ln. 54-60), the device identifier being unique from device identifiers of other devices identified by the server (Abstract, ln. 1-4, "wherein the identifier is unique across the distributed computing system") and distinct from a network address of the device (Fig. 2; Col. 4, ln. 18-37);

sending the device identifier to the device (Col. 5, ln. 63 – Col. 6, ln. 4); and
marking the status of the device identifier as in use after receiving an acknowledgment from the device (Col. 5, ln. 63 – Col. 6, ln. 9).

Nazari is silent on the request is accompanied by correlation data with unique identification information associated with the device;

the device identifier is obtained at the server and associated by the server with correlation data from the device in response to the request from the device;
marking a status of the device identifier as pending;

the device identifier is accompanied by the correlation data associated with the device;

the acknowledgment is accompanied by the correlation data associated with the device; and

sending a confirmation to the device after the acknowledgment is received, wherein the confirmation is accompanied by the correlation data associated with the device.

However, Okano discloses the request is accompanied by correlation data with unique identification information associated with the device ([0020], ln 1-4; [0084] – [0085]; [0195] – [0196]; DHCP communications must be accompanied by the MAC address of the requesting device, as otherwise communication would not be possible, given that the device is in the process of obtaining a network address);

the device identifier is obtained at the server and associated by the server with correlation data from the device in response to the request from the device ([0092]; [0195] – [0196]);

marking a status of the device identifier as pending ([0092]; the IP addresses are set as temporarily allocated, which is marking the device identifiers as pending);

the device identifier is accompanied by the correlation data associated with the device ([0098]; DHCP communications must be accompanied by the MAC address of the requesting device, as otherwise communication would not be possible, given that the device is in the process of obtaining a network address);

the acknowledgment is accompanied by the correlation data associated with the device ([0015], ln. 4-7, “A packet format of the DHCP message is composed of a MAC header”; [0100] – [0101], DHCP communications must be accompanied by the MAC address of the requesting device, as otherwise communication would not be possible, given that the device is in the process of obtaining a network address; [0186]; [0195] – [0196]); and

sending a confirmation to the device after the acknowledgment is received ([0102]; [0105]; [0110]), wherein the confirmation is accompanied by the correlation data associated with the device ([0102]; [0105]; [0110]); DHCP communications must be accompanied by the MAC address of the requesting device, as otherwise communication would not be possible, given that the device is in the process of obtaining a network address).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nazari in the aforementioned manner as taught by Okano in order to identify a properly device with correlation data prior to device identifier assignment and in order to send communications back and forth in response to each step of device identifier assignment so as to ensure each step is approved and the communication partner is informed of the successful approval/completion of each step.

15. As to claim 2, Nazari and Okano disclose the invention substantially as in parent claim 1, further comprising:

receiving a second acknowledgment from the device (Okano: [0110]-[0111]; [0149]-[0151]; it is inherent in and a standard feature of DHCP, which is taught by Okano, that a second acknowledgement is sent from a device to renew its lease); and

sending a second confirmation to the device (Okano: [0102]; [0110]-[0111]; [0147]-[0151]; it is inherent in and a standard feature of DHCP, which is taught by Okano, that a

server sends a confirmation to renewal requests in the form of a DHCPACK message to extend a device's lease).

16. As to claim 3, Nazari and Okano disclose the invention substantially as in parent claim 1, further comprising managing a set of device entries at the server (Nazari: Col. 3, ln. 32-38; Col. 5, ln. 26-29 and 54-60), wherein each of the device entries comprises a unique device identifier (Nazari: Abstract, ln. 1-4), a status indicator to indicate a status of the corresponding device identifier (Okano: [0092]; [0135]; [0179] – [0180]; [0195] – [0197]), and correlation data associated with the corresponding device identifier (Okano: [0092]; [0195] – [0196]).

17. As to claim 5, Nazari and Okano disclose the invention substantially as in parent claim 3, wherein each of the device entries further includes a timestamp, the method further comprising setting the timestamp when the status is marked as pending (Okano: [0092]; temporarily allocated IP addresses are made and lease times are set, which is setting a timestamp when the status is marked as pending).

18. As to claim 6, Nazari and Okano disclose the invention substantially as in parent claim 1, wherein obtaining the device identifier comprises:

generating the device identifier before the request from the device is received at the server (Nazari: Col. 5, ln. 54-60; the global pool of instance numbers is present before the request is received);

marking the status of the device identifier as unused (Nazari: Col. 5, ln. 54-60; the global pool consists of unused and available instance numbers); and

locating the device identifier having the status marked as unused after the request is received (Nazari: Col. 5, ln. 54-60; the provisional instance number may be identified as available, that is unused, in the global pool of instance numbers).

19. As to claim 9, Nazari and Okano disclose the invention substantially as in parent claim 1, further comprising:

reusing the device identifier for another request received from another device after a time out period has elapsed (Okano: [0200]); and

sending a rejection to the device if the acknowledgment is received after the time out period has elapsed (Okano: [0200]; the timed out subscriber terminal is disabled to use the IP address, which is a rejection).

20. As to claim 21, the claim is rejected for reasons similar to claim 6 above.

21. As to claim 10, the claim is rejected for reasons similar to claim 1 above.
22. As to claim 11, the claim is rejected for reasons similar to claim 5 above.
23. As to claim 14, Nazari and Okano disclose the invention substantially as in parent claim 10, further comprising sending a second acknowledgment to the server if the confirmation has not been received after a time out period (Okano: Abstract; it is inherent in and a standard feature of DHCP, which is taught by Okano, that a second acknowledgement is sent to the server after a time out period).
24. As to claims 15-16, the claims are rejected for reasons similar to claim 1 above.
25. As to claim 17, the claim is rejected for reasons similar to claim 3 above.
26. As to claims 18-19, the claims are rejected for reasons similar to claim 1 above.
27. As to claim 20, the claim is rejected for reasons similar to claim 9 above.

28. Claims 4, 7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazari and Okano as applied to claims 1-3, 5-6, 9-11, and 14-21 above, and further in view of Matsuda et al. (Matsuda), U.S. Publication No. 2002/0133573 A1.

29. As to claim 4, Nazari and Okano disclose the invention substantially as in parent claim 3, wherein the correlation data comprises:

device data to particularly identify the corresponding device (Okano: [0092]; [0195] – [0196]; the MAC address identifies a corresponding device).

Nazari and Okano are silent on user data to identify a particular user of the corresponding device.

However, Matsuda discloses user data to identify a particular user of the corresponding device ([0065], ln. 5-7; [0066], ln. 1-4; [0115]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nazari and Okano in the aforementioned manner as taught by Matsuda in order to identify a user and ensure access is granted before allowing changes to be made to the system (Matsuda: [0115]).

30. As to claim 7, Nazari and Okano disclose the invention substantially as in parent claim 1, but are silent on obtaining the device identifier comprises generating the device identifier after receiving the request.

However, Matsuda discloses obtaining the device identifier comprises generating the device identifier after receiving the request (Fig. 7, items 704, 706, and 708; [0065]; a device identifier is generated using the MAC address, desired IP address, and desired host name in the request, which is correlation data in the request).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nazari and Okano in the aforementioned manner as taught by Matsuda in order to allow a client to suggest desired settings in a request (Matsuda: [0065], ln. 5-7).

31. As to claim 13, the claim is rejected for reasons similar to claim 4 above.

32. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nazari and Okano as applied to claims 1-3, 5-6, 9-11, and 14-21 above, and further in view of Meier, U.S. Patent No. 7,096,273 B1.

33. As to claim 8, Nazari and Okano disclose the invention substantially as in parent claim 1, but are silent on marking the status of the device identifier as unused if the acknowledgment is not received after a time out period.

However, Meier discloses marking the status of the device identifier as unused if the acknowledgment is not received after a time out period (Col. 2, ln. 8-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nazari and Okano by marking a device identifier as unused if an acknowledgement is not received after a time out period as taught by Meier in order to put the device identifier back into a pool ready to be re-used (Meier, Col. 2, ln. 13-15).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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